

# PUBLIC PARTICIPATION PLAN

EL PASO METROPOLITAN PLANNING ORGANIZATION



**EI PASO METROPOLITAN PLANNING ORGANIZATION**

# **PUBLIC PARTICIPATION PLAN**

**IN COOPERATION WITH:**

**The U.S. Department of Transportation**

**The Federal Highway Administration**

**The Federal Transit Administration**

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## SECTION 1. INTRODUCTION

### INTRODUCTION

The El Paso Metropolitan Planning Organization (MPO) is a collaborative structure of committees and organizations creating partnerships to address the region's complex transportation needs. The El Paso MPO's Study Area includes: the entire County of El Paso, Texas, the City of Sunland Park and the City of Anthony, New Mexico, and portions of Doña Ana and Otero Counties that include the communities of Chaparral, and Santa Teresa, New Mexico.

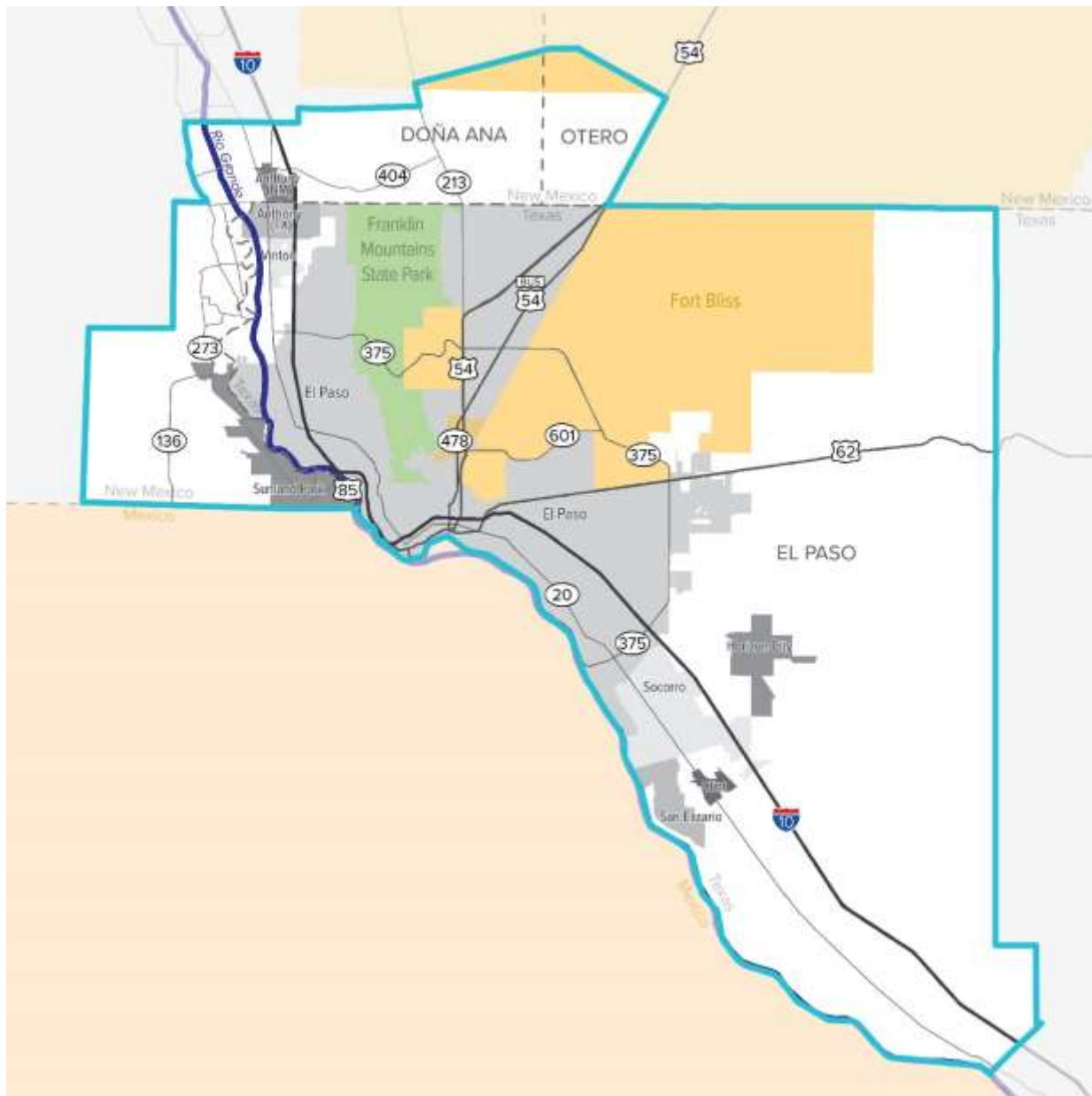


Figure 1. El Paso Metropolitan Planning Organization Area

## **SECTION 2. FEDERAL AND STATE REQUIREMENTS**

Several Federal and State laws and regulations guide the public participation efforts of the MPO and ensure that input into its various planning and programming activities is received. Laws and legislation relevant to Public Participation Plan include:

### **FIXING AMERICA’S SURFACE TRANSPORTATION (FAST) ACT**

The FAST Act was signed into law on December 4, 2015. The Act reauthorized the federal-aid highway program through fiscal year 2020, while consolidating the number of federal programs to focus resources on key national goals and reduce duplicative programs. The Act also emphasizes expedited project delivery.

The FAST Act continues the previous transportation act’s commitment to public participation, directing Metropolitan Planning Organizations (MPO) to have a public participation plan that provides people, “affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.”

The FAST Act directs MPO public participation plans to “be developed in consultation with all interested parties,” and “provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.” It further directs MPOs “to the maximum extent practicable” to “hold any public meetings at convenient and accessible locations and times,” to “employ visualization techniques to describe plans,” and to “make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information.”

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

The Title VI of the Civil Rights Act of 1964 requires that transportation planning and programming be nondiscriminatory on the basis of race, color, national origin or disability. The federal statute was further clarified and supplemented by the Civil Rights Restoration Act of 1987 and a series of federal statutes enacted in the 1990s relating to the concept of environmental justice. The fundamental principles of environmental justice include:

- Avoiding, minimizing or mitigating disproportionately high and adverse health or environmental effects on minority and low-income populations.
- Ensuring full and fair participation by all potentially affected communities in the transportation decision-making process.
- Preventing the denial, reduction or significant delay in the receipt of benefits by minority populations and low-income communities.

## **AMERICANS WITH DISABILITIES ACT OF 1990**

The Americans with Disabilities Act of 1990 (ADA) stipulates involving the community, particularly those with disabilities, in the development and improvement of services. EPMPO fully complies with these requirements through its ADA plan and policies by making meeting room facilities accessible with wheelchair ramps, and restrooms and elevators that are wheelchair accessible. EPMPO facilitates public participation in transportation activities by people with disabilities using the following guidelines:

- Meetings, public hearings, and formal events are held in facilities accessible by persons with disabilities.
- Public notices of meetings and events include a notice of accommodations for individuals who are disabled. Such accommodations will be provided by request with a minimum 24 hour notice.
- Persons needing to arrange for ADA accommodations at EPMPO meetings and events may call 915-212-0258 within 24 hours of the event.

In collaboration with transit stakeholders, EPMPO can provide transportation for individuals with disabilities to attend public meetings and events at the EPMPO offices.

## **EXECUTIVE ORDERS**

An Executive Order is an order given by the President to federal agencies. As a recipient of federal revenues, EPMPO assists federal transportation agencies in complying with these orders.

**I. Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations:** In February 1994, President William Clinton signed Executive Order 12898, which requires that disproportionately high and adverse human health or environmental effects on minority and low-income populations be identified and addressed to achieve environmental justice. Since the establishment of Title VI, Environmental Justice has been considered in local, state, and federal transportation projects. Section 42.104 of Title VI and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

**II. Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency (LEP):** Executive Order 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

**III. Executive Order 13175 - Consultation and Coordination with Tribal Governments:** Executive Order 13175 states that “in formulating or implementing policies that have tribal implications, agencies shall establish regular and meaningful consultation and collaboration with tribal officials to reduce the imposition of unfunded mandates upon Indian tribes.” The EPMPO metropolitan planning area is home to one federally recognized tribal government, the Ysleta Del Sur Pueblo (also known as Tigua tribe). The EPMPO will actively seek to keep tribal governments informed of major decisions affecting their geographic area. The EPMPO will continue to communicate with Native American Indian tribal leaders on an ongoing basis to identify issues of common concern.

## CODE OF FEDERAL REGULATIONS

A Code of Federal Regulations (CFR) includes a codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

### **I. 23 CFR §450.316 Interested Parties, Participation, and Consultation**

(a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private 10 providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

- (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the Transportation Improvement Program (TIP);
- (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
- (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
- (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the Internet;
- (v) Holding any public meetings at convenient and accessible locations and times;
- (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
- (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
- (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
- (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and,
- (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation 11

conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the Internet to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the Metropolitan Planning Area (MPA) that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPOs shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and,

(3) Recipients of assistance under 23 U.S.C. 201-204.

(c) When the MPA includes Indian Tribal lands, the MPOs shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPOs shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

## **II. 23 CFR §450.324 Development and Content of the Metropolitan Transportation Plan**

(k) The MPOs shall provide individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation 12 services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).



(l) The MPOs shall publish or otherwise make readily available the metropolitan transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet.

### **III. 23 CFR §450.326 Development and Content of the Transportation Improvement Program (TIP)**

(b) The MPOs shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by §450.316(a). In addition, in nonattainment area TMAs, the MPOs shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in §450.316(a). In addition, the MPOs shall publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet, as described in §450.316(a).

### **COMMITTEES**

The El Paso MPO is a collaborative structure of committees and organizations creating partnerships to address the region's complex transportation needs. Key players in this organizational structure include:

**I. Transportation Policy Board (TPB)** – is established by federal regulations (CFR 23 § 450.104) and is composed of principal elected officials of general-purpose local governments. Part of the members are elected public officials from the local, state, and federal governments that have authority for project implementation, in accordance to Bylaws and Procedures for the El Paso MPO TPB. All entities listed below are represented on the TPB. Members of the TPB are responsible for giving the MPO overall transportation policy guidance in the transportation planning and programming process.

All Members of the El Paso MPO TPB shall have one vote. A TPB member shall not be allowed to have or appoint a proxy member or representation. All members of the El Paso MPO TPB shall comply with the TPB's Ethics Policy, a copy of which is attached to the Bylaws (EPMPO Bylaws, Exhibit "A", rev 10/21/2016).

Membership shall consist of the following but not by way of limitation:

#### Texas:

Town of Anthony	1 Elected Official; Mayor or Appointee
City of El Paso	6 Members; Mayor or Appointee + no less than 3 Elected Officials
Town of Clint	1 Elected Official; Mayor or Appointee
County of El Paso	2 Elected Officials; County Judge or Appointee
Town of Horizon City	1 Elected Official; Mayor or Appointee
City of San Elizario	1 Elected Official; Mayor or Appointee
City of Socorro	1 Elected Official; Mayor or Appointee
Village of Vinton	1 Elected Official; Mayor or Appointee
Texas State Senator(s)	All Elected Officials from the El Paso MPO Study Area
Texas State Representative(s)	All Elected Officials from the El Paso MPO Study Area
El Paso International Airport	1 Member El Paso County Transit Agency or
County-wide Mass Transit Authority	1 Member
Sun Metro/Mass Transit Department	1 Member
Texas Department of Transportation	1 Member

## New Mexico:

City of Anthony, N.M.	1 Elected Official; Mayor or Appointee
Doña Ana County	1 Member
City of Sunland Park, NM	1 Elected Official; Mayor or Appointee
New Mexico State Representative(s)	1 Elected Official from the El Paso MPO Study Area
New Mexico State Senator	1 Elected Official from the El Paso MPO Study Area
New Mexico Dept. of Transportation	1 Member

The City of El Paso's representation on the Transportation Policy Board shall be equal to the number of incorporated Texas municipalities, cities, towns, or villages within the urbanized study area who have representation on the TPB.

To aid in the process of creating transportation policies and programming plans for long and short range planning documents, the Board has created the following committees:

### **II.Executive Committee (EC)**

The Executive Committee (EC) shall be composed of seven (7) voting TPB members to be recommended by the TPB Chairperson and approved by the TPB. The TPB Chairperson will then recommend a Chair and Vice-Chair to also be approved by the TPB. These actions will take place at the meeting during which the election of officers is held. No two members of the Executive Committee shall be representatives of the same local unit of government or entity. The EC's roles and responsibilities will include review of the business aspect of the MPO, review of the Executive Director, review of contracts and other documents, and other assignments for recommendations to the TPB. Executive Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

### **III.Transportation Project Advisory Committee (TPAC)**

The Transportation Project Advisory Committee (TPAC) will have sixteen (16) voting members. The TPAC develops and makes recommendations to the Transportation Policy Board on projects with regard to the MTP and TIP, project selection process criteria, and special transportation planning issues. The TPAC holds meetings monthly or as needed. One TPAC member will be selected by their governing body. The Chair and Vice-Chair of the TPAC shall be selected for a two-year term by peer members of the TPAC, and is eligible for re-election. Nine (9) voting members of the TPAC shall constitute a quorum.

Additional Ad hoc committees of the membership of the Policy Board may be established and appointed by the Chairperson to assist the Policy Board in the performance of its function. Special Committees or Task Forces may be established and appointed by the Transportation Policy Board to undertake special assignments. These committees may consist of TPB members, public officials, citizens, and other individuals the TPB deems appropriate. Standing committees may have separate bylaws, which must be ratified by the Policy Board (EPMPO Bylaws, Article VIII, 10/21/2016)

## **SECTION 3. GOALS AND PRINCIPLES OF THE PUBLIC PARTICIPATION PLAN**

This Public Participation Plan (PPP) is to serve as a program guide for the public participation process of the El Paso Metropolitan Planning Organization (MPO). The PPP provides the MPO policies and principles that guide its communications and coordination with interested parties such as: residents, neighborhood associations, private and public agencies, and transportation providers, and other members of the public. Additionally, the PPP serves as a tool for planners and decision-makers to engage residents, community groups, organizations, and businesses in the process of planning the transportation system.

### **GOALS AND PRINCIPLES OF THE PUBLIC PARTICIPATION PLAN**

The goal of the Public Participation Plan (PPP) is to include residents, community and neighborhood groups and associations, non-profit groups, business sector groups, transportation providers, federal, state, and local government agencies, and many others to participate in a proactive, predictable planning effort that provides full access to making key transportation decisions early and during the process. Accomplishing the task of planning for transportation needs in the present day, five, ten and even twenty years from now, requires the MPO to coordinate and collaborate with many types of public and private groups to provide mobility to housing, schools, jobs, recreation, and freight movement. Involving the public in the planning process helps reduce the time and cost of creating short and long-range plans and projects while providing a forum for public input and collaboration with planning agencies. This allows the public the opportunity to voice their ideas, concerns, issues, and opinions and to help guide decision-makers in determining the transportation system of the future. Public involvement processes must be appropriate, accessible, transparent, accountable, meaningful and inclusive of the region's diverse population and its needs.

### **PRINCIPLES OF THE EL PASO MPO'S PUBLIC PARTICIPATION PROGRAM**

- Equal access is an essential part of the public involvement process.
- No major public policy decision is reached or large project implemented without significantly affecting someone.
- Professionals do not have a monopoly on good solutions.
- People are much more willing to live with a decision that affects different interests unequally if the decision-making process is open, objective, and considers all viewpoints.
- Interacting with an official representative of an organization or group is no substitute for interacting directly with that organization or group.
- Effective public notification and participation takes time and effort, and can be expensive, yet is essential to sound decision-making.

## SECTION 4. REVISIONS TO MPO DOCUMENTS

Any MPO Board member agency may request the consideration of a revision to the Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), Transportation Conformity Report (TCR), Congestion Management Process (CMP), or Public Participation Plan (PPP) on its own behalf or on the behalf of a non-member agency or private group, business or individual. Private parties must work through the MPO member agency that represents them to request a revision to the MTP. All such requests shall be submitted to the MPO Executive Director in writing. A revision to the above mentioned documents may be initiated by the MPO Executive Director to ensure that it remains in conformance with all applicable federal, state and regional policy requirements.

### AMENDMENTS

As summarized below, EPMPO acknowledges three types of revisions to its document revision process. In the course of the life of MPO documents, revisions to the content are frequently made to provide current programming and/or changes adopted by the TPB. A revision is defined as a change to the MTP, TIP, UPWP, TCR, CMP, or PPP that occurs between scheduled periodic updates. El Paso MPO includes Texas and New Mexico areas, therefore it is under the NMDOT (“State Transportation Improvement Program (STIP) Procedures”) and TxDOT STIP revision processes. The definitions of these various revisions are as follows:

**Tier 1: Primary Amendment** – a major revision to the above-mentioned MPO documents. This type of amendment requires 30 calendar day public review and comment, a demonstration of fiscal constraint, and a conformity determination. Conformity determinations are only required for MTPs and TIPs in non-attainment and maintenance areas.

Revisions that include the following are defined as primary amendments:

- Major change in project cost:
  - Adding federally funded projects
  - Adding regionally significant state-funded projects
  - Significant additional funding for a project ( as defined by the TPB)
  - Change from state funding category to federal funding category
- Projects adding significant additional capacity to the MPO transportation network
- Changes to a project that require network models to be run
- Addition or deletion of a project
- Major changes in a project’s design concept or design scope, and
- Major changes to project/project phase initiation dates.

A primary amendment may also be defined by the judgment and direction of the TPB as a consequence of particularities of a project and the forecasted final effects of the implementation of a project. Primary amendments must be presented to the TPB for approval.

**Tier 2: Secondary Amendment** – a minor revision that does not significantly change the capacity of the MPO transportation network, increase the funding for a project, or excessively change the locations or limits of a particular project from the original limits.

This includes, but is not limited to:

- Change in CSJ or Control Number (CN),
- Change in letting date,
- Minor changes to funding sources of previously-included projects,
  - Change in estimated federal cost resulting in a total project cost of less than \$1.5 million
  - Change from one state funding category to another state funding category
  - Change in one federal funding category to another federal category
- Change in the project limits for a state-funded project
- Change in TIP year for a state-funded project
- Addition of a project to a Statewide Program (using a Statewide CSJ and CN)
- Minor changes to project/project phase costs, and
- Minor changes to project/project phase initiation dates.

Administrative amendments do not require a formal 30 calendar day public review or comment, a demonstration of fiscal constraint, conformity determination, nor do they need to be presented to the TPB.

**Tier 3: Grammatical and Format Amendment** – a minor revision required to correct or add grammatical or format errors that do not change the content of the document. Grammatical and format amendments are not required to be presented to the TPB nor do they require a formal 30 calendar day public review or comment, a demonstration of fiscal constraint, nor conformity determination.

## **PUBLIC PARTICIPATION DURING DEVELOPMENT AND UPDATE OF EPMPO DOCUMENTS**

Public involvement for EPMPO documents varies for different document stages and the status of the document undergoing public review. Public review of all documents must be posted at least 72 hours in advance of a scheduled meeting (Texas Open Meetings Act, p. 62). Public review of a new planning or programming document is at a minimum of 30 calendar days (except for the PPP which requires a 45 calendar days review period). Most updated and amended documents will have the opportunity to have a 30 calendar day review; however, updated and amended documents may have a minimum of a seven days review before adoption by the TPB, if necessary.

With increased focus on expediting project implementation and funding allocation, there may be rare occasions in which issues arise that require urgent modification of the MTP, TIP, UPWP, TCR, CMP, and PPP due to funding requirements or timeliness. In these cases, exceptions to the 30 calendar day comment period may be required in order to avoid not being able to secure funding. In these cases, there will be adequate public notice and clear communication of the abbreviated time period. An abbreviated comment period will be at least seven days. Longer comment periods are preferred and will be offered whenever possible. These actions will be emphasized on the TPB meeting agenda which is posted at least 72 hours prior to the TPB posted meeting.

## **I. Metropolitan Transportation Plan**

The Metropolitan Transportation Plan (MTP) is a long-range transportation plan with 20-year minimum horizon. The MPO is required to develop this plan every four years. The minimum length of public comment period is 30 calendar days whenever a MTP is developed, updated, or amended.

## **II. Transportation Improvement Program**

The Transportation Improvement Program (TIP) is a short-range, fiscally constrained program that covers a four-year horizon period. The MPO is required to develop this plan every four years. The minimum length of public comment period is 30 calendar days whenever a TIP is developed, updated, or amended.

## **III. Unified Planning Work Program**

The Unified Planning Work Program (UPWP) is a document detailing the transportation planning work to be accomplished by the MPO staff in a two-year period and is developed every two years and amended as necessary. The minimum length of public comment period is 30 calendar days whenever a UPWP is developed, updated, or amended.

## **IV. Transportation Conformity Report**

Transportation Conformity Report (TCR) is a scientific analysis of the MTP and TIP to assure that both MPO documents meet the 1990 Clean Air Act Amendments (CAA). This act contains transportation conformity requirements that are designed to ensure that planning for transportation systems and infrastructure is consistent with and conforms to the State Implementation Plan (SIP). The CAA addresses conformity in Section 176(e)(1). The Federal Regulations interpreting this law are found in 40-CFR 93, subpart A. The minimum length of public comment period is 30 calendar days whenever a new Transportation Conformity determination is triggered.

## **V. Congestion Management Process**

The Congestion Management Process (CMP) is a document where existing and future traffic congested links are identified throughout the region's transportation infrastructure and is updated continuously; projects from this document are selected for congestion reduction and new congested links are added as traffic patterns change. The minimum length of public comment period is 30 calendar days whenever a CMP is developed.

## **VI. Public Participation Plan**

The Public Participation Plan (PPP) provides the MPO policies and principles that guide its communications and coordination with public. The minimum length of public comment period is 45 calendar days whenever a PPP is developed or amended.

## **VII. Program Management Plan**

The El Paso MPO is a designated recipient of Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds. The Program Management Plan (PMP) is a document that describes the designated recipient's policies and procedures for administering FTA's Section 5310 program in a large urbanized area.

Each recipient is required to have an approved PMP on file with the appropriate FTA regional office and to update it regularly to incorporate any changes in program management or new requirements. The recipient shall provide an opportunity for review by stakeholders when it develops a new plan or significantly revises an existing plan. In addition, development of PMPs should be done in the context of local and statewide planning processes. Certain contents of the PMP, such as coordination of service, project selection criteria, and method of distributing funds, should be coordinated with the statewide transportation improvement program (STIP) and transportation improvement program (TIP).

The PMP's primary purposes are to serve as the basis for FTA to perform recipient-level management reviews of the program, and to provide public information on the recipient's administration of the Section 5310 program. It may also be used internally by the recipient as a program guide for local project applicants. If the recipient has other relevant documentation that provides the same information requested for the PMP, such as an annual application instructions manual, it may be included by reference, as an attachment.

<b>EPMPO Document</b>	<b>Length of Comment Period</b>	<b>Minimum Notification of Opportunity</b>
Metropolitan Transportation Plan	30 days	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>
Transportation Improvement Program	30 days	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>
Unified Planning Work Program	30 days	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>
Transportation Conformity Report	30 days	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>
Congestion Management Process	30 days	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>
Public Participation Plan	45 days [23 CFR 450.316 (a)]	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>
Program Management Plan	30 days	<ul style="list-style-type: none"> <li>•MPO website announcement</li> <li>•Known media outlets</li> </ul>

## SECTION 5. METHODS OF PUBLIC PARTICIPATION

By offering information in a variety of formats, EPMPO is able to include far more people in the planning process than relying on a limited number of strategies and opportunities. Efforts to inform and gather input from the public include, but are not limited to, the following strategies.

### WEBSITE

The El Paso MPO website is the official platform to inform the public of activities. It provides ([www.elpasompo.org](http://www.elpasompo.org)) easy access to information about the plans, programs and policies of the MPO. The website includes a calendar of events, committee activities and actions, requests for proposals and requests for qualifications and electronic versions of plans, reports, policies and program information. The site includes a search feature that allows users to find specific documents or other information using key words.

When information is released for public review and comment, it will be available at <http://www.elpasompo.org/news/default.htm>, which will be included on all communications announcing the public review and comment opportunity.

This site includes the latest information on public meetings, media releases, public surveys and the EPMPO Public Participation Plan. Public meeting presentations, handouts, schedules, flyers and minutes are made available on this site as well.

### VIDEO

One of several visualization techniques, video maybe used to increase understanding of complex transportation plans, policies and programs. Video recordings of Transportation Policy Board meetings are posted online at <http://www.elpasompo.org/tpb/videos.htm> video, according to the Texas Government Code § 551.128.

### MEDIA OUTLETS

All public listening session/open house notices will be sent to selected newspapers to ensure regional coverage. When possible, radio and television will be used to reach a larger audience.

### PUBLIC MEETINGS

For large, complex or extensive transportation planning efforts, public meetings and workshops allow for in-depth discussion. Typically, these events are reserved for development of plans, programs and policies and significant changes to those as well as more project or study area specific discussions.

As needed, EPMPO will host these events to gather input and build consensus among various transportation stakeholders. To facilitate greater participation in public meetings specifically, the following criteria are considered when selecting meeting locations. These criteria also reflect Environmental Justice considerations.

- Meetings will be held in accessible locations, preferably near transit lines or routes.
- Meetings will be held in buildings that are in full compliance with the Americans with Disabilities Act of 1990.
- Presentations and supporting documentation, as needed, will be available at meetings.



- As part of the planning processes and adoption for all new planning documents, MPO staff will conduct public meetings for planning and programming documents for the exchange of information and public comments regarding final draft versions of MPO planning and programming documents. These sessions will provide opportunities for the public to present comments regarding the final draft of planning documents and/or studies developed by the El Paso MPO.
- Upon request, language translation, including sign and foreign language interpreters and handouts in large print or Braille, will be available. Additionally, staff will make every effort to accommodate requests from persons with disabilities. A minimum of ten calendar days advance notice is required for these arrangements to be provided. Public meeting notices will provide the telephone number and e-mail address to request special arrangements.

Public notices will be written in English and Spanish and posted on MPO website, and MPO may submit to known media outlets to ensure regional coverage.

#### **TRANSPORTATION POLICY BOARD AND SUBCOMMITTEE MEETINGS**

TPB and subcommittee meetings will serve as public comment forums for any draft document and their updates, in addition to all other public meetings. TPB meetings will be advertised in the local newspapers and announced through the MPO's website.

#### **PRINT AND DIGITAL PUBLICATIONS**

Various planning documents and other publications can be viewed via the EPMPO website and are available upon request. These documents include, but are not limited to:

- Metropolitan Transportation Plan,
- Transportation Improvement Program,
- Unified Planning Work Program,
- Transportation Conformity Report,
- Congestion Management Process, and
- Public Participation Plan.

## **APPENDIX A. ACRONYMS**

**ADA** - American Disabilities Act of 1990

**CFR** - Code of Federal Regulations

**CMP** - Congestion Management Process

**CAA** - Clean Air Act

**CN**- Control Number

**CSJ**- Control Section Job

**EPMPO** - El Paso Metropolitan Planning Organization

**EPA** - Environmental Protection Agency

**FAST ACT** - Fixing America’s Surface Transportation Act

**FHWA** - Federal Highway Administration

**FTA** - Federal Transit Administration

**LEP** - Limited English Proficiency

**MPA** - Metropolitan Planning Area

**MPO**- Metropolitan Planning Organization

**MTP** - Metropolitan Transportation Plan

**PMP**- Program Management Plan

**PPP** - Public Participation Program

**SIP** - State Implementation Plan

**TCR** - Transportation Conformity Report

**TIP** - Transportation Improvement Program

**TMA** - Transportation Management Area

**TPB** - Transportation Policy Board

**TPAC** - Transportation Project Advisory Committee

**UPWP** - Unified Planning Work Program

## **APPENDIX B. TITLE VI COMPLAINT PROCEDURES**

### **INTRODUCTION**

As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related Title VI statutes, The El Paso MPO ensures that no person shall, on the grounds of race, religion, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency programs or activities. All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within an agency that receives federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints alleging discrimination in El Paso MPO's provisions, services, or El Paso MPO activities can be made by persons who are not employees of El Paso MPO. Any person who believes El Paso MPO, or any entity who receives federal financial assistance from or through El Paso MPO (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination. The El Paso MPO will follow timelines set forth in guidance from the Department of Transportation, the Federal Highway Administration, Federal Transit Administration and the Department of Justice for processing Title VI discrimination complaints.

### **WHEN TO FILE**

A complaint of discrimination must be filed within 180 calendar days of the alleged act of Discrimination, or discovery thereof; or where there has been a continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180 calendar day period. The filing date is the day you complete, sign, and mail the complaint form. The complaint form and consent/release form must be dated and signed for acceptance. Complaints received more than 180 calendar days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

### **WHERE TO FILE**

In order to be processed, signed original complaint forms must be mailed to:

El Paso Metropolitan Planning Organization  
Executive Director  
211 N. Florence St., Suite 202, El Paso, TX 79901

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or limited-English proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of the El Paso MPO may seek remedy from other applicable state or federal agencies.

## REQUIRED ELEMENTS OF A COMPLAINT

In order to be processed, a complaint must be complete and submitted in writing and contain the following information:

- Name, address, and phone number of the complainant.
- Name(s) and address(es) and business(es)/organization(s) of person(s) who allegedly discriminated.
- Date of alleged discriminatory act(s).
- Basis of complaint (i.e. race, color, national origin, sex, age, religion, or disability).
- A statement of complaint.
- A signed consent release form.

## COMPLAINT PROCESS OVERVIEW

The following is a description of how a discrimination complaint will be handled once received by El Paso MPO.

1. **A complaint is received by EL PASO MPO:** Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited-English proficiency, upon request reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint that do not have access to the Internet or the ability to pick up a form will be mailed a complaint form to complete. The complainant will be notified if the complaint form is incomplete and asked to furnish the missing information.
2. **Complaint is logged into tracking database:** Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.
3. **Determine jurisdiction:** El Paso MPO Executive Director will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets basic criteria.

Criteria required for a complete complaint:

- Basis of alleged discrimination (i.e. race, religion, color, national origin, sex, age or disability).
- Determination of timeliness will also be made to ensure that the complaint was filed within the 180 day period requirement.
- The program in which the alleged discrimination occurred will be examined to ensure that the complaint was filed with the appropriate agency. During this process, if a determination was made in which the program or activity that the alleged discrimination occurred is not related to the El Paso MPO program or activity, every attempt will be made to establish the correct agency. Whenever possible and assuming consent was granted on the Consent/Release form, the complaint will be forwarded to the appropriate agency.

If the complaint is a transportation related discrimination complaint and the EPMPO or its sub-recipients are named as the respondent, then the complaint shall be forwarded to TxDOT Civil

Rights Division, 125 E. 11th Street, Austin, Texas, 78701. If related to New Mexico transportation, to NMDOT Office of Equal Opportunity Programs, 1596 Pacheco Street, Suite 201, Santa Fe, NM 87505. Thereafter, the procedures will follow through as indicated here.

4. **Initial written notice to complainant:** Within 10 working days of the receipt of the complaint, El Paso MPO will send notice to the complainant confirming receipt of the complaint; if needed the notice will request additional information, notify complainant that the activity is not related to a El Paso MPO program or activity, or does not meet deadline requirements. Conclusions made in step three will determine the appropriate response to the complaint. If any additional information is needed from the complainant, it will be communicated at this point in the process. A copy of the written response, as well as the complaint form, will be forwarded to the Texas Department of Transportation, Office of Civil Rights, Contract Compliance Section for informational purposes only.
5. **Investigation of complaint:** El Paso MPO Executive Director will confer with the Department Director to determine the most appropriate fact finding process to ensure that all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:
  - Internal meetings with El Paso MPO staff and legal counsel.
  - Consultation with state and federal agencies.
  - Interviews of complainant(s).
  - Review of documentation (i.e. planning, public involvement, and technical program activities).
  - Interviews and review of documentation with other agencies involved.
  - Review of technical analysis method (if applicable).
  - Review of demographic data.
6. **Determination of investigation:** An investigation must be completed within 60 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise. A determination will be made based on information obtained. The El Paso MPO Executive Director and/or designee will render a recommendation for action, including formal and/or informal resolution strategies in a report of findings to the El Paso MPO Executive Director.
7. **Notification of determination:** Within 10 days of completion of an investigation, the complainant must be notified by the El Paso MPO Executive Director of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if he/she is dissatisfied with the final decision. A copy of this letter, along with the report of findings, will be forwarded to the Texas Department of Transportation, Office of Civil Rights, Contract Compliance Section for information purposes.



**Title VI Discrimination Complaint Form**

**Please read the information on the first page of this form carefully before you begin**

**1. First Name, Middle Initial, Last Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**2. Who do you believe discriminated against you?**

**First Name, Middle Initial, Last Name:** \_\_\_\_\_

**Name of business/organization:** \_\_\_\_\_

**Position/Title:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_

**State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Person's relationship to you:** \_\_\_\_\_

**3. When did the alleged act(s) of discrimination occur? Please list all dates applicable dates mm/dd/yyyy format.**

**Dates:** \_\_\_\_\_

\_\_\_\_\_

**Is the alleged discrimination on-going? Yes**\_\_\_\_ **No**\_\_\_\_

4. Where did the alleged act(s) of discrimination occur? (Attach additional pages as necessary.)

Name of location: \_\_\_\_\_

5. Indicate the basis of your grievance of discrimination:

- ☐ Race
- ☐ National Origin
- ☐ Age
- ☐ Religion
- ☐ Color
- ☐ Sex
- ☐ Disability

6. Describe in detail the specific incident(s) that the basis(es) of the alleged discrimination. Describe each incident of discrimination separately. Attach additional pages as necessary.

Please explain how other persons or groups were treated differently by the person(s)/agency who discriminated against you.

**Please list and describe all documents, e-mails, or other records and materials pertaining to your complaint.**

**Please list and identify any witness(es) to the incidents or persons who have personal knowledge of information pertaining to your complaint.**

**Have you previously reported or otherwise complained about this incident or related acts of discrimination? If so, please identify the individual to whom you made the report, the date on which you made the report, and the resolution. Please provide any supporting documentation.**



Please provide any additional information about the alleged discrimination.

7. If an advisor will be assisting you in the complaint process, please provide his/her name and contact information.

First Name, Middle Initial, Last Name: \_\_\_\_\_

Name of business/organization: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

8. This complaint form must be signed and dated in order to address your allegations. Additionally, this office will need your consent to disclose your name, if needed, in the course of our investigation. The Discrimination Complaint Consent/Release form is attached. If you are filling a complaint of discrimination on behalf of another person, our office will also need this person's consent. I certify that to the best of my knowledge the information I have provided is accurate and the events and circumstances are as I have described them. I also understand that if I will be assisted by an advisor, my signature below authorizes the named individual to receive copies of relevant correspondence regarding the complaint and to accompany me during the investigation.

Signature(Firma): \_\_\_\_\_ Date (Fecha): \_\_\_\_\_



Title VI Discrimination Complaint  
Consent/Release Form

Please read the information on the first page of this form carefully before you begin.

First Name, Middle Initial, Last Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

As a complainant, I understand that in the course of an investigation it may become necessary for the El Paso Metropolitan Planning Organization to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of the El Paso Metropolitan Planning Organization to honor requests under the Freedom of Information Act. I understand that as a complainant I am protected from retaliation from having taken action or participated in action to secure right protected by nondiscrimination statutes and regulations which are enforced by the Federal Highway Administration (FHWA) of the U.S. Department of Transportation.

Please check one:

- ☒ I CONSENT and authorize the El Paso Metropolitan Planning Organization (EPMPO), as part of its investigation, to reveal my identity to persons at the organization, business, or institution, which has been identified by me in my formal complaint of discrimination. I also authorize EPMPO to discuss, receive, and review materials and information about me from the same and with appropriate administrators or witnesses for the purpose of investigating this complaint. In doing so, I have read and understand the information at the beginning of this form. I also understand that the material and information received will be used for authorized civil rights compliance activities only. I further understand that I am not required to authorize this release and so so voluntarily.
- ☐ I DENY CONSENT to have the El Paso Metropolitan Planning Organization (EPMPO), reveal my identity to persons at the organization, business, or institution under investigation. I also deny consent to have EPMPO disclose any information contained in the complaint with any witnesses I have mentioned in the complaint. In doing so, I have read and understand the information at the beginning of this form. I further understand that my decision to deny consent may impede this investigation and may result in the unsuccessful resolution of my case.

Signature(Firma): \_\_\_\_\_ Date (Fecha): \_\_\_\_\_



El Paso Metropolitan Planning Organization

Formulario de Queja por Discriminación del Título VI

Lea detenidamente la información en la primera página de este formulario antes de comenzar

1. Nombre, Inicial de segundo nombre, Apellido: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_

Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Teléfono: \_\_\_\_\_ Email: \_\_\_\_\_

2. ¿Quién crees que te discriminó?

Nombre, Inicial de segundo nombre, Apellido: \_\_\_\_\_

Nombre de la empresa/organización: \_\_\_\_\_

Cargo/Título: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_

Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Teléfono: \_\_\_\_\_ Email: \_\_\_\_\_

Relación de la persona con usted: \_\_\_\_\_

3. ¿Cuándo ocurrió el presunto acto(s) de discriminación? Por favor, enumere todas las fechas aplicables en el formato mm/dd/yyyy.

Fechas: \_\_\_\_\_

¿La presunta discriminación continúa? Si \_\_\_\_\_ No \_\_\_\_\_

4. ¿Dónde ocurrió el presunto acto(s) de discriminación? (Adjunte páginas adicionales según sea necesario.)

Nombre de la ubicación: \_\_\_\_\_

5. Indique la base de su queja de discriminación:

- ☐ Raza
- ☐ Origen Nacional
- ☐ Edad
- ☐ Religión
- ☐ Color
- ☐ Sexo
- ☐ Discapacidad

6. Describa en detalle el incidente(s) específico(s) de la base(s) de la supuesta discriminación. Describa cada incidente de discriminación por separado. Adjunte páaginas adicionales según sea necesario.

Explique cómo otras personas o grupos fueron tratados de manera diferente por la(s) persona(s)/agencia que lo discriminaron.

**Enumere y describa todos los documentos, correos electrónicos u otros registros y materiales relacionados con su reclamo.**

**Indique e identifique cualquier testigo(s) de los incidentes o personas que tengan conocimiento personal de la información relacionada con su queja.**

**¿Ha denunciado anteriormente este incidente o actos relacionados de discriminación? De ser así, identifique a la persona a la que hizo el informe, la fecha en que realizó el informe y la resolución. Por favor proporcione cualquier documentación de respaldo.**

Por favor proporcione información adicional sobre la supuesta discriminación.

7. Si un asesor lo asistirá en el proceso de reclamo, favor de proporcionar su nombre e información de contacto.

Nombre, Inicial de segundo nombre, Apellido: \_\_\_\_\_

Nombre de la empresa/organización: \_\_\_\_\_

Cargo/Título: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_

Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Teléfono: \_\_\_\_\_ Email: \_\_\_\_\_

8. Este formulario de queja debe estar firmado y fechado para dirigir sus alegatos. Además, esta oficina necesitará su consentimiento para dar a conocer su nombre, si es necesario, en el curso de nuestra investigación. Se adjunta el formulario de Consentimiento/Liberación de quejas por Discriminación. Si está presentando una queja de discriminación en nombre de otra persona, nuestra oficina también necesitará el consentimiento de esta persona.

Yo certifico según mi conocimiento que la información que he proporcionado es precisa y los eventos y circunstancias son tal como los describí. También entiendo que si me ayudará un asesor, mi firma a continuación autoriza a la persona nombrada a recibir copias de la correspondencia pertinente con respecto a la queja y a acompañarme durante la investigación.

Firma: \_\_\_\_\_ Fecha: \_\_\_\_\_



**Queja por Discriminación del Título VI**  
**Formulario de Consentimiento/Liberación**

**Lea la información en la primera página de este formulario antes de comenzar.**

Nombre, Inicial de segundo nombre, Apellido: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_

Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Como queja, entiendo que en el curso de una investigación puede ser necesario que la Organización de Planificación Metropolitana de El Paso revele mi identidad a personas de la organización o institución bajo investigación. I am also aware of the obligations of the El Paso Metropolitan Planning Organization to comply with the requests under the Freedom of Information Act. Entiendo que como demandante estoy protegido de represalias por haber actuado o participado en acciones para garantizar el derecho protegido por leyes y reglamentos de no discriminación que se aplica por la Administración Federal de Carreteras (FHWA) del Departamento de Transporte de EE.UU.

**Por favor marque una opción:**

- ☒ Yo doy CONSENTIMIENTO y autorizo a la Organización de Planificación Metropolitana de El Paso (EPMPO), como parte de su investigación, a revelar mi identidad a personas de la organización, compañía o institución que he identificado en mi queja formal de discriminación. También autorizo a EPMPO para que reciba y revise materiales e información sobre mí de la misma y con los administradores o testigos apropiados para investigar esta queja. Al hacerlo. He leído y entiendo la información al comienzo de este formulario. También entiendo que el material y la información recibida se usarán solo para actividades autorizadas de cumplimiento de los derechos humanos. Además, entiendo que no estoy obligado a autorizar este lanzamiento, es voluntariamente.
- ☐ Yo NIEGO CONSENTIMIENTO a la Organización de Planificación Metropolitana de El Paso (EPMPO), a revelar mi identidad a personas de la organización, compañía o institución que he identificado bajo investigación. También yo NO autorizo a EPMPO para que reciba y revise materiales e información sobre mí de la misma y con los administradores o testigos apropiados para investigar esta queja. Al hacerlo. He leído y entiendo la información al comienzo de este formulario. Además, entiendo que mi decisión de negar mi consentimiento puede impedir esta investigación y puede dar como resultado la resolución infructuosa de mi caso.

Firma: \_\_\_\_\_ Fecha: \_\_\_\_\_